

Remarks:

I. Objections and Rejections

The Office Action objects to the specification as allegedly failing to reference elements 14L and 14S of **FIGS. 11A** and **11B**, and as allegedly stating that a lubricant is “not shown” when element 14L indicates a lubricating layer. The Office Action also objects to the specification as allegedly describing that resilient member 14 has a “means for damping,” but does not indicate what is being damped. The Office Action withdraws claims 33, 35, 38, and 39 as failing to read on an elected species. The Office Action rejects claims 19 under 35 U.S.C. § 102(b), as allegedly being anticipated by U.S. Patent No. 5,944,156 to Hatakeyama. The Office Action also rejects claims 19 and 21 under 35 U.S.C. § 102(b), as allegedly being anticipated by U.S. Patent No. 4,802,326 to Geisthoff. The Office Action rejects claim 24 under 35 U.S.C. § 103(a), as allegedly being rendered obvious by Hatakeyama in view of U.S. Patent No. 2,543,396 to Wolff. Moreover, the Office Action rejects claims 25 under 35 U.S.C. § 103(a), as allegedly being rendered obvious by Hatakeyama in view of U.S. Patent No. 3,183,684 to Zeidler. Applicants respectfully traverse.

II. Elections/Restrictions

The Office Action indicates that claims 33, 35, 38, and 39 have been withdrawn as allegedly failing to read on an elected species. The elected species is depicted in **FIGS. 5** and **6**. Applicants believe that claims 33, 35, 38, and 39 read on the elected species. Referring to claim 33, **FIG. 5** shows a first rotating member 12 comprising at least one concave portion 12a formed on an inner circumferential surface of the first rotating member 12, a second rotating member 13 comprising at least one second concave portion 13a formed on an outer circumferential surface of second rotating member 13, wherein the at least one second concave portion 13a comprises an entrance portion 13a’ having a width which is less than an interior width of the at least one second concave portion 13a, and a resilient member 14 slidably held by the entrance portion 13a’. Appl’n, [0041]-[0042]. Moreover, the description of **FIG. 5** in the specification states that “[w]hen a torque transmitted to first rotating member 12 is less than or equal to the predetermined torque [value], resilient member 14 may contact each of a wall of first concave portion 12a and entrance portion 13a’, such that resilient member 14 prevents the relative rotation between first rotating member 12 and second rotating member 13.” Appl’n, [0043]. Further, the description of **FIG. 5** states that “[r]esilient member 14 may deform,” and

“[w]hen the torque transmitted between first rotating member 12 and second rotating member 13 is greater than the predetermined torque value, resilient member 14 may disengage from the wall of first concave portion 12a . . . which may allow the relative rotation between first rotating member 12 and second rotating member 13.” Appl’n, [0044].

Referring now to claim 35, the portion of the specification that describes **FIGS. 5** and **6** indicates that “resilient member 14 may include a notch 14a formed therethrough” and “may have an annular shape.” Appl’n., [0042]. Thus, Applicants respectfully submit that the limitations of claims 33, 35, 38, and 39 are present in the embodiment depicted in **FIGS. 5** and **6**. Therefore, Applicants respectfully request that the Examiner reconsider the withdrawal of claims 33, 35, 38, and 39 from consideration, and that the Examiner consider these claims in the above-captioned application.

III. Objections to the Specification

As noted above, the Office Action objects to the specification as allegedly failing to reference elements 14L and 14S and allegedly improperly stating that the lubricant is “not shown.” Applicants are amending the first sentence of original paragraph [0049] to clarify the description of these elements.

As noted above, the Office Action also objects to the phrase “means for damping” as allegedly failing to indicate what is being damped. Applicants are amending the third sentence of original paragraph [0011] to recite “means for damping torsional vibration.” Such amendment is supported by original paragraph [0007] of the specification. Applicants respectfully request that the Examiner withdraw the foregoing objections to the specification of the above-reference application.

IV. 35 U.S.C. 102(b)

As noted above, the Office Action rejects claim 19 as allegedly being anticipated by Hatakeyama, and claims 19 and 21 as allegedly being anticipated by Geisthoff. “A claim is anticipated if and only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131. The Office Action alleges that Hatakeyama describes each and every element as set forth in claims 19 and

33, and that Geisthoff describes each and every element as set forth in claims 19, 21, 33, and 35. Applicants respectfully traverse.

A. Hatakeyama

1. Claim 19

Applicants' independent claim 19 describes a power transmission, comprising "a resilient member slidably held by the entrance portion, wherein the resilient member comprises means for damping." (Emphasis added.) For example, as set forth in Applicants' specification, the means for damping may comprise a notch 14a formed through the resilient member.

The Office Action asserts that Hatakeyama discloses each and every element of independent claim 19. The Office Action also asserts that the "means for damping" limitation is disclosed by the reference to "rubber" in Hatakeyama. See, Hatakeyama, Column 5, Line 12. Applicants maintain that the Office Action fails to satisfy the burden of showing that Hatakeyama discloses each and every element of independent claim 19. Nevertheless, solely to expedite the prosecution of this patent application, Applicants are amending claim 19 to include the limitations of dependent claim 21, and are canceling claim 21, without prejudice or disclaimer of subject matter. The Office Action does not assert that Hatakeyama discloses or suggests each and every element of claim 21. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of amended independent claim 19.

B. Geisthoff

1. Claims 19 and 21

As described above, Applicants are amending independent claim 19 to include the limitations of dependent claim 21, and canceling dependent claim 21, without prejudice or disclaimer of subject matter. The Office Action asserts that **FIG. 5** of Geisthoff "shows that the resilient member comprises an annular member and a means for damping 13, 20, a means that comprises a notch 20. Nevertheless, amended independent claim 19 recites that the "means for damping comprises a notch formed through the annular member." Geisthoff merely describes "a spring 13 which urges [abutment cam 26 and driver cam 3] apart." Geisthoff, Column 6, Lines

56-57. Spring 13, however, is not an annular member. Moreover, Geisthoff describes element 20 as “apex 20 of the two cam surfaces 5 and 6.” Geisthoff, Column 5, Lines 44-45. As such, apex 20 is not a notch. Geisthoff describes a detent groove 24. Assuming arguendo that Geisthoff’s spring 13 is an annular member, groove 24 does not comprise a notch formed “through the annular member.” Therefore, Applicants respectfully request that the Examiner withdraw the anticipation rejection of amended independent claim 19 in view of Geisthoff.

V. 35 U.S.C. 103(a)

As noted above, the Office Action rejects claims 24 as allegedly being rendered obvious by Hatakeyama in view of Wolff, and rejects claim 25 as allegedly being rendered obvious by Hatakeyama in view of Zeidler. For the reasons set forth above, Applicants maintain that Hatakeyama fails to disclose or suggest each and every limitation of amended independent claim 19. The Office Action does not assert that either Wolff or Zeidler supplies those limitations of amended independent claims 19 that are missing from Hatakeyama. Claims 24 and 25 depend from allowable, independent claim 19. “If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP 2143.03 (citations omitted). Therefore, Applicants respectfully request that the Examiner withdraw the obviousness rejection of claims 24 and 25.

Conclusion:

Applicants respectfully submit that this application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that a further interview with Applicants' representatives, either in person or by telephone, would expedite prosecution of this application, we would welcome such an opportunity. Applicants believe that no fees are due as a result of this responsive amendment. Nevertheless, in the event of any variance between the fees determined by Applicants and the fees determined by the U.S. Patent and Trademark Office, please charge or credit any such variance to the undersigned's Deposit Account No. 02-0375.

Respectfully submitted,

BAKER BOTTS L.L.P.



C. John Brown
Registration No. 52,659

Dated: August 22, 2006

By:

Baker Botts L.L.P.
The Warner; Suite 1300
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2400
(202) 639-7700 (telephone)
(202) 639-7890 (facsimile)

JBA/CJB/tt

Enclosure